

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY DALE, BRETT JACKSON,
JOHNNA FOX, BENJAMIN
BORROWMAN, ANN LAMBERT,
ROBERT ANDERSON, and CHAD
HOHENBERY on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

DEUTSCHE TELEKOM AG, and T-
MOBILE US, INC.,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Jeffrey Cole

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report to update the Court on their discovery progress.¹

I. Discovery Schedule

The parties continue discussing an appropriate deadline for substantial completion of data productions and believe they will agree upon a deadline by August 16, as required by this Court's July 2, 2024 Minute Order (ECF No. 190). Additionally, the parties agreed to a discovery schedule for their ongoing discussions regarding appropriate ESI document custodians

¹ During its February 6, 2024 Status Conference, this Court agreed with Plaintiffs that "having a status conference every 60 days" is "a good idea." Feb. 6, 2024 Status Conf. Tr. at 4:12–13. Accordingly, it stated "we will do status conference calls every 60 days and a joint status report filed 7 days before that." *Id.* at 5:7–8. Plaintiffs understood this statement to be an order requiring status reports and status conferences (to the extent necessary based on the content of the status reports) at 60-day intervals. The Court last ordered Plaintiffs and Defendant T-Mobile US, Inc. ("T-Mobile"), together "the parties," and the parties did, file a joint status report on May 24, 2024. Accordingly, Plaintiffs proposed filing this joint status report. T-Mobile understood the Court's statement to mean that if the Court schedules a status conference, a joint status report must be filed 7 days before that date. Given that the next status conference is scheduled in September, T-Mobile does not believe that this status report is required, but have cooperated with Plaintiffs to avoid burdening the Court with a dispute.

for T-Mobile's response to Plaintiffs' requests for production whereby the parties would reach an agreement or an impasse by August 7, 2024. *See id.*

II. Discovery Progress

A. Written Discovery

The parties' recent meet and confers regarding written discovery were generally productive. The parties appear close to resolving T-Mobile's relevance objections to Plaintiffs' First Set of Requests for Production of Documents.

T-Mobile has made a total of thirteen (13) productions to date, totaling to over 4,400 documents and over 90,000 pages. It is working with its e-discovery vendor to start rolling reproductions of the documents it produced in the pre-merger litigation and investigations.

Plaintiffs anticipate making a document production within the next week, and they will continue making rolling productions thereafter.

The parties continue to negotiate a custodian list and remain optimistic that they can reach an agreement without Court intervention. T-Mobile initially identified 29 custodians, and Plaintiffs then proposed an additional 31 custodians. T-Mobile has since agreed to include 11 of those proposed 31 individuals, bringing the total to 40 custodians. The parties are continuing to discuss the remaining 13 individuals that Plaintiffs proposed. After a substantive meet and confer on July 18 consistent with the parties' agreed-upon discovery schedule, T-Mobile responded to Plaintiffs' latest proposal on July 22. The parties hope to resolve this dispute by the end of the week of July 22.

B. Protocols and Stipulations

The parties are finalizing a draft 502(d) order. They also continue discussing a potential expert stipulation and whether to enter a deposition protocol.

C. Pre-Merger Data and Documents Produced to Government Entities

T-Mobile has produced to Plaintiffs structured data that T-Mobile produced during the merger review process. The parties recently began discussing the cutoff date for the data T-Mobile will produce, as well as a timeline for making such productions.

T-Mobile recently produced to Plaintiffs structured data Sprint produced during the merger review process and in the states' case in the Southern District of New York, and Plaintiffs are in the process of reviewing that data to evaluate the sufficiency of those data fields.

After reviewing the document requests and correspondence from the DOJ investigations that T-Mobile produced, Plaintiffs agreed to accept the documents T-Mobile produced in the pre-merger investigations (e.g., by the DOJ, FCC, or CPUC) and in the states' case in the Southern District of New York in lieu of requiring T-Mobile to run new custodial searches for the period covered by those productions. T-Mobile expects to produce those documents soon.

D. Third Parties

AT&T, Verizon, and DISH promptly reengaged with Plaintiffs after the parties submitted their last status report. None of the third parties have produced data or documents, but Plaintiffs have had productive conversations with these third parties regarding the subpoena requests. The third parties have all indicated that some document and/or data productions are forthcoming.

Dated: July 23, 2024

/s/ Hill Brakefield

Hill Brakefield (*pro hac vice*)
Swathi Bojedla (*pro hac vice*)
HAUSFELD LLP
888 16th Street N.W., Suite 300
Washington, D.C. 20006
Phone: (202) 540-7200
hbrakefield@hausfeld.com
sbojedla@hausfeld.com

Gary I. Smith Jr. (*pro hac vice*)
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Phone: (267) 702-2318
gsmith@hausfeld.com

Brendan P. Glackin (*pro hac vice*)
Lin Y. Chan (*pro hac vice*)
Nicholas W. Lee (*pro hac vice*)
Sarah D. Zandi (*pro hac vice*)
Jules A. Ross (*pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Phone: (415) 956-1000
bglackin@lchb.com
lchan@lchb.com
nlee@lchb.com
szandi@lchb.com
jross@lchb.com

Eric L. Cramer (*pro hac vice*)
Jeremy Gradwohl (*pro hac vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Phone: (415) 215-0962
Phone: (215) 715-3256
ecramer@bm.net
jgradwohl@bm.net

Robert Litan (*pro hac vice*)
BERGER MONTAGUE PC
1001 G St, N.W. Suite 400 East
Washington, D.C. 20001
Phone: (202) 559-9740
rlitan@bm.net

Joshua P. Davis (*pro hac vice*)
Kyla Gibboney (*pro hac vice*)
Julie Pollock (*pro hac vice*)
BERGER MONTAGUE PC
505 Montgomery Street, Suite 625
San Francisco, CA 94111
Phone: (415) 689-9292
jdavis@bm.net
kgibboney@bm.net
jpollock@bm.net

Interim Co-Lead Class Counsel for Plaintiffs and the Proposed Class

Kenneth N. Flaxman
ARDC No. 830399
Joel Flaxman
ARDC No. 6292818
LAW OFFICES OF KENNETH N. FLAXMAN P.C.
200 S Michigan Ave., Suite 201
Chicago, IL 60604
Phone: (312) 427-3200
jaf@kenlaw.com
knf@kenlaw.com

Interim Liaison Counsel for Plaintiffs and the Proposed Class

/s/ Rachel S. Brass [with permission]
Rachel S. Brass (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center Suite 2600
San Francisco, CA 94111-3715
Phone: 415-393-8200
RBrass@gibsondunn.com

Theodore J. Boutrous, Jr. (*pro hac vice*)
Daniel G. Swanson (*pro hac vice*)
Rodney J. Stone (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Phone: 213-229-7000
TBoutrous@gibsondunn.com
DSwanson@gibsondunn.com
RStone@gibsondunn.com

Josh Krevitt (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193 USA
Phone: 212-351-4000
JKrevitt@gibsondunn.com

Clifford C. Histed
ARDC No. 6226815
Michael E. Martinez
ARDC No. 6275452
K&L GATES LLP
70 West Madison Street
Suite 3300
Chicago, IL 60602-4207
Phone: 312-807-4448
clifford.histed@klgates.com
michael.martinez@klgates.com

Counsel for T-Mobile US, Inc.

CERTIFICATE OF SERVICE

I, Hill Brakefield, an attorney, hereby certify that this Joint Status Report was electronically filed on July 23, 2024, and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

Respectfully submitted,

/s/ Hill Brakefield

Hill Brakefield

*Interim Co-Lead Class Counsel for Plaintiffs and the
Proposed Class*